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ZNR UUUUU ZZH  
P 272316Z JUN 08  
FM AMEMBASSY BOGOTA  
TO RUEHC/SECSTATE WASHDC PRIORITY 3415  
INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 8268  
RUEHCV/AMEMBASSY CARACAS PRIORITY 0635  
RUEHPE/AMEMBASSY LIMA PRIORITY 6317  
RUEHZP/AMEMBASSY PANAMA PRIORITY 1940  
RUEHQI/AMEMBASSY QUITO PRIORITY 6981  
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RHMFSS/FBI WASHINGTON DC PRIORITY  
RHMFSS/CDR USSOUTHCOM MIAMI FL PRIORITY

UNCLAS BOGOTA 002373

SENSITIVE  
SIPDIS

E.O. 12958: N/A

TAGS: PGOV PREL PREF PTER PHUM CO  
SUBJECT: Uribe calls for new elections after court  
questions legitimacy of 2006 reelection process

SUMMARY

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11. (SBU) President Uribe addressed the nation at midnight on June 27, calling for the "repetition of the 2006 presidential elections." His speech was prompted by the Supreme Court's request--in its ruling sentencing former Congresswoman Yidis Medina to 47 months of house arrest for selling her vote in favor of the 2004 constitutional amendment that allowed Uribe to run for a second term--that the Constitutional Court review the validity of the reelection amendment process. Uribe's request would likely require at least 8-12 months to complete. Opposition presidential candidate Rafael Pardo said the legitimacy of Uribe's 2006 landslide reelection was "not in doubt;" Polo Democratico President Carlos Gaviria said Uribe's proposal represents an attempt to set up a "populist dictatorship." Uribista parties appeared stunned by the proposal. End summary.

URIBE CALLS FOR NEW ELECTIONS

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12. (U) President Uribe, reacting to the Supreme Court's request that the Constitutional Court review the constitutional amendment process that allowed Uribe to run for a second term, called on Congress to approve in an emergency session a referendum law that would "order the immediate repetition of the 2006 presidential elections." In his midnight address, Uribe also slammed the Supreme Court's Medina ruling, which he said was based on the confessions of a known liar. He accused the Court of practicing "selective justice" and said "the trap of the power of a dying terrorism, which Supreme Court magistrates have lent themselves to, does not seem to have a judicial solution." Uribe also criticized the Court for "pressuring the president" over his decision to extradite paramilitary leaders to the United States.

COURT QUESTIONS LEGITIMACY OF 2006 ELECTIONS

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13. (U) The Supreme Court noted that the Constitutional Court has jurisdiction over the amendment issue, and said it would forward its Medina ruling to the Constitutional Court. The Supreme Court sentenced Medina to 47 months of house arrest after she plead guilty to receiving bribes in exchange for her support in a 2004 Congressional committee vote on the law that permitted President Uribe's reelection. Local human rights groups had already petitioned the Constitutional Court to examine the legality of the reelection process in Congress, and media reports indicate the Court has agreed.

It is unclear how long the review will take.

INVESTIGATIONS CONTINUE

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14. (U) The Supreme Court also continues its investigation against former-Congressmen Teodolindo Avendano and Ivan Diaz, and the Prosecutor General (Fiscalia) is investigating former Interior Minister and current Ambassador to Italy Sabas Pretelt and Minister of Social Protection Diego Palacio for their roles in the Medina case. Pretelt testified in the Fiscalia on June 25 in the case, and denied all bribery charges. On June 27, Uribe said the Congress' Accusations Commission should investigate allegations by extradited former-para leader Salvatore Mancuso of ties between Supreme Court magistrates and paramilitaries. Palacio also asked the Commission, responsible for investigating members of the high courts, to investigate the Supreme Court magistrates for making false accusations.

NEW ELECTIONS NOT AN EASY TASK

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15. (SBU) Congress President Senator Nancy Patricia Gutierrez, herself under preliminary investigation by the Supreme Court for possible paramilitary ties, said it would take Congress a minimum of one-two months to approve a law authorizing a referendum on new elections "if there is the political will to do so." She added that the process of calling the Congress into emergency session would not be easy, and political parties--still trying to absorb the president's surprise request--would need time to determine whether to support the effort. Gutierrez said it remained unclear whether the referendum law would be designed to approve the completion of Uribe's current term, a new four-year term, or a third term.

16. (SBU) Supreme Judicial Council Magistrate Angelino Lizcano said that if Congress approves the law authorizing a referendum, the Constitutional Court would have six months to review the text. The referendum would then be put to a popular vote, which would require a simple majority with a minimum 25 percent turnout of registered voters (approximately 7 million) to be valid. The process would take a minimum of 8-12 months to complete. Uribe could possibly opt for other constitutional mechanisms to seek a renewal of his mandate, such as: a plebiscite, popular consultation, or open council--each of which has distinct rules and procedures. Presidential elections are scheduled for May 2010. Under the current Constitution, Uribe would not be allowed to run.

REACTION

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17. (SBU) Uribe's speech stunned political observers, and media coverage the morning of June 27 was blanketed by analysis of what might come next. Opposition Liberal Party presidential candidate and former Defense Minister Rafael Pardo said the legitimacy of Uribe's 2006 election was "never in doubt" after Uribe's huge 62% landslide victory. He said all sides needed to think with "cool heads" to avoid destabilizing the country, and urged Uribe to allow the "appropriate judicial institution" (the Constitutional Court) to act before moving ahead with a referendum or new elections.

18. (SBU) Former Mayor Lucho Garzon said Uribe's move represented a "journey into the unknown" that could damage Colombia's institutions. Congress President Gutierrez, of the increasingly independent Cambio Radical Party, told us she could not predict what Cambio (or Congress) might do. She would consult with Party president and likely presidential candidate German Vargas Lleras. Polo President Carlos Gaviria told us Uribe's proposal represented an attempt at "populist dictatorship," adding that the president had to allow independent judicial institutions to function whether he liked their rulings or not.